

SECOND REGULAR SESSION

SENATE BILL NO. 1166

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR KLINDT.

Read 1st time March 1, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

5479S.01I

AN ACT

To repeal sections 307.350, 307.353, 307.355, 307.360, 307.365, 307.370, 307.375, 307.380, 307.385, and 307.390, RSMo, and to enact in lieu thereof two new sections relating to repeal of the state safety inspection program, with penalty provisions and an effective date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 307.350, 307.353, 307.355, 307.360, 307.365, 307.370, 307.375, 307.380, 307.385, and 307.390, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 307.375 and 307.390, to read as follows:

307.375. 1. The owner of every bus used to transport children to or from school in addition to any other inspection required by law shall submit the vehicle to an [official] inspection [station] **conducted by the state highway patrol**, and obtain a certificate of inspection, sticker, seal or other device annually, but the inspection of the vehicle shall not be made more than sixty days prior to operating the vehicle during the school year. The inspection shall, in addition to the inspection of the mechanism and equipment required for all motor vehicles under the provisions of sections 307.350 to 307.390, include an inspection to ascertain that the following items are correctly fitted, adjusted, and in good working condition:

- (1) All mirrors, including crossview, inside, and outside;
- (2) The front and rear warning flashers;
- (3) The stop signal arm;
- (4) The crossing control arm on public school buses required to have them pursuant to section 304.050, RSMo;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 (5) The rear bumper to determine that it is flush with the bus so that
17 hitching of rides cannot occur;

18 (6) The exhaust tailpipe shall be flush with or may extend not more than
19 two inches beyond the perimeter of the body or bumper;

20 (7) The emergency doors and exits to determine them to be unlocked and
21 easily opened as required;

22 (8) The lettering and signing on the front, side and rear of the bus;

23 (9) The service door;

24 (10) The step treads;

25 (11) The aisle mats or aisle runners;

26 (12) The emergency equipment which shall include as a minimum a first
27 aid kit, flares or fuses, and a fire extinguisher;

28 (13) The seats, including a determination that they are securely fastened
29 to the floor;

30 (14) The emergency door buzzer;

31 (15) All hand hold grips;

32 (16) The interior glazing of the bus.

33 2. In addition to the inspection required by subsection 1 of this section,
34 the Missouri state highway patrol shall conduct an inspection after February first
35 of each school year of all vehicles required to be marked as school buses under
36 section 304.050, RSMo. This inspection shall be conducted by the Missouri
37 highway patrol in cooperation with the department of elementary and secondary
38 education and shall include, as a minimum, items in subsection 1 of this section
39 and the following:

40 (1) The driver seat belts;

41 (2) The heating and defrosting systems;

42 (3) The reflectors;

43 (4) The bus steps;

44 (5) The aisles;

45 (6) The frame.

46 3. If, upon inspection, conditions which violate the standards in subsection
47 2 of this section are found, the owner or operator shall have them corrected in ten
48 days and notify the superintendent of the Missouri state highway patrol or those
49 persons authorized by the superintendent. If the defects or unsafe conditions
50 found constitute an immediate danger, the bus shall not be used until corrections
51 are made and the superintendent of the Missouri state highway patrol or those

52 persons authorized by the superintendent are notified.

53 4. The Missouri highway patrol may inspect any school bus at any time
54 and if such inspection reveals a deficiency affecting the safe operation of the bus,
55 the provisions of subsection 3 of this section shall be applicable.

56 307.390. 1. Any person who violates any provision of [sections 307.350
57 to 307.390] **section 307.375** is guilty of a misdemeanor and upon conviction shall
58 be punished as provided by law.

59 2. The superintendent of the Missouri state highway patrol may assign
60 qualified persons who are not highway patrol officers to investigate and enforce
61 motor vehicle safety inspection laws and regulations pursuant to [sections
62 307.350 to 307.390] **section 307.375** and sections 643.300 to 643.355, RSMo. A
63 person assigned by the superintendent pursuant to the authority granted by this
64 subsection shall be designated a motor vehicle inspector and shall have limited
65 powers to issue a uniform complaint and summons for a violation of the motor
66 vehicle inspection laws and regulations. A motor vehicle inspector shall not have
67 authority to exercise the power granted in this subsection until such inspector
68 successfully completes training provided by, and to the satisfaction of, the
69 superintendent.

 [307.350. 1. The owner of every motor vehicle as defined in
2 section 301.010, RSMo, which is required to be registered in this
3 state, except:

4 (1) New motor vehicles which have not been previously
5 titled and registered, for the two-year period following their model
6 year of manufacture;

7 (2) Those motor vehicles which are engaged in interstate
8 commerce and are proportionately registered in this state with the
9 Missouri highway reciprocity commission, although the owner may
10 request that such vehicle be inspected by an official inspection
11 station, and a peace officer may stop and inspect such vehicles to
12 determine whether the mechanical condition is in compliance with
13 the safety regulations established by the United States Department
14 of Transportation; and

15 (3) Historic motor vehicles registered pursuant to section
16 301.131, RSMo; shall submit such vehicles to a biennial inspection
17 of their mechanism and equipment in accordance with the
18 provisions of sections 307.350 to 307.390 and obtain a certificate of

inspection and approval and a sticker, seal, or other device from a duly authorized official inspection station. The inspection, except the inspection of school buses which shall be made at the time provided in section 307.375, shall be made at the time prescribed in the rules and regulations issued by the superintendent of the Missouri state highway patrol; but the inspection of a vehicle shall not be made more than sixty days prior to the date of application for registration or within sixty days of when a vehicle's registration is transferred. Any vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved pursuant to the safety inspection program established pursuant to sections 307.350 to 307.390 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved pursuant to sections 307.350 to 307.390 in each odd-numbered year. The certificate of inspection and approval shall be a sticker, seal, or other device or combination thereof, as the superintendent of the Missouri state highway patrol prescribes by regulation and shall be displayed upon the motor vehicle or trailer as prescribed by the regulations established by him. The replacement of certificates of inspection and approval which are lost or destroyed shall be made by the superintendent of the Missouri state highway patrol under regulations prescribed by him.

2. For the purpose of obtaining an inspection only, it shall be lawful to operate a vehicle over the most direct route between the owner's usual place of residence and an inspection station of such owner's choice, notwithstanding the fact that the vehicle does not have a current state registration license. It shall also be lawful to operate such a vehicle from an inspection station to another place where repairs may be made and to return the vehicle to the inspection station notwithstanding the absence of a current state registration license.

3. No person whose motor vehicle was duly inspected and approved as provided in this section shall be required to have the same motor vehicle again inspected and approved for the sole reason that such person wishes to obtain a set of any special

55 personalized license plates available pursuant to section 301.144,
56 RSMo, or a set of any license plates available pursuant to section
57 301.142, RSMo, prior to the expiration date of such motor vehicle's
58 current registration.

59 4. Notwithstanding the provisions of section 307.390,
60 violation of this section shall be deemed an infraction.]

[307.353. Other provisions of law notwithstanding, no
2 person shall be required to have a biennial vehicle inspection
3 during a registration period which exceeds two years. The
4 inspection required at the beginning of the registration period shall
5 be valid for the entire registration period.]

[307.355. 1. No state registration license to operate the
2 type of vehicle required to be inspected by section 307.350 may be
3 transferred or issued during a biennial registration year in which
4 the vehicle is required to be inspected unless the application is
5 accompanied by a certificate of inspection and approval issued no
6 more than sixty days prior to the date of application, or in the case
7 of school buses, which will be required to be inspected annually as
8 provided in section 307.375, except:

9 (1) The director of revenue may transfer or issue a state
10 registration license to the type of vehicle required to be inspected
11 by section 307.350 without a certificate of inspection and approval
12 accompanying the application if the director has satisfactory
13 evidence that the vehicle was not in the state of Missouri at any
14 time during the sixty days prior to the date of application; however,
15 the owner of every such vehicle must submit the vehicle for
16 inspection and obtain a certificate of inspection and approval
17 within ten days after the vehicle is first returned to the state of
18 Missouri;

19 (2) The director of revenue shall renew a vehicle's
20 registration license without a certificate of inspection and approval
21 accompanying the application if satisfactory documentary evidence
22 is presented at the time of application that the license being
23 renewed was properly transferred within a six-month period prior
24 to the expiration of the license being renewed or that the vehicle
25 for which the registration is being issued was issued a registration

26 for a period of less than one year for the registration period just
27 expiring.

28 2. If due to interstate operation a commercial motor vehicle
29 as defined in section 301.010, RSMo, or a trailer of the type
30 required to be inspected is required to obtain full fee registration
31 in this and any other state during the same calendar year, no
32 Missouri certificate of inspection and approval is required if the
33 vehicle bears evidence that a current valid inspection sticker or
34 decal was issued by such other state in which the vehicle is
35 registered; provided that the sticker or decal issued by such other
36 state is valid for the registration period in this state.

37 3. After a commercial motor vehicle as defined in section
38 301.010, RSMo, has been registered for the current year, no
39 certificate of inspection and approval is required when a local
40 commercial motor vehicle license is changed to a beyond-local
41 commercial motor vehicle license or when the licensed gross weight
42 is changed during the licensed period.]

[307.360. 1. The superintendent of the Missouri state
2 highway patrol shall issue permits and written instructions to
3 official inspection stations and shall furnish forms and certificates
4 for the inspection of brakes, lighting equipment, signaling devices,
5 steering mechanisms, horns, mirrors, windshield wipers, tires,
6 wheels, exhaust system, glazing, air pollution control devices, fuel
7 system, and any other safety equipment required by the state. In
8 no instance will road testing of a vehicle be considered a part of the
9 inspection procedure.

10 2. The superintendent of the Missouri state highway patrol
11 shall prescribe the standards and equipment necessary for an
12 official inspection station and the qualifications for persons who
13 conduct the inspections, and no applicant may be approved to
14 operate an official inspection station until the applicant meets the
15 standards and has the required equipment and qualified inspectors
16 as prescribed. The superintendent of the Missouri state highway
17 patrol shall establish standards and procedures to be followed in
18 the making of inspections required by sections 307.350 to 307.390
19 and shall prescribe rules and regulations for the operation of the

20 stations.

21 3. (1) The application for permit as an official inspection
22 station shall be made to the superintendent of the Missouri state
23 highway patrol on a form furnished by the superintendent. The fee
24 for a permit to operate an official inspection station shall be ten
25 dollars per year and each permit shall be renewed annually on the
26 date of issue. All fees shall be payable to the director of revenue
27 and shall be deposited by him in the state treasury to the credit of
28 the state highway fund.

29 (2) The application shall set forth the name under which
30 applicant transacts or intends to transact business, the location of
31 the applicant's place of business and such other information as the
32 superintendent of the Missouri state highway patrol may require.
33 If the applicant has or intends to have more than one place of
34 business within the state, a separate application shall be made for
35 each place of business. If the applicant is a partnership, the
36 application shall set forth the names of the partners; if a
37 corporation, the names of the officers shall be shown. The
38 application shall be signed and verified by oath or affirmation of
39 the owner or an authorized officer or partner.

40 (3) Each location which fulfills the superintendent of the
41 Missouri state highway patrol's requirements and whose owners,
42 proprietors and employees comply with the superintendent's
43 regulations and qualifications shall be designated as an official
44 inspection station and the applicant issued a certificate. The
45 superintendent of the Missouri state highway patrol shall
46 investigate all applicants for inspection station permits to
47 determine whether or not the premises, equipment and personnel
48 meet the requirements prescribed by him.

49 (4) Any automobile mechanic who has had at least one year
50 of practical experience as an automotive mechanic or any person
51 who has successfully completed a course of vocational instruction
52 in automotive mechanics from a generally recognized educational
53 institution, either public or private, and who has demonstrated the
54 knowledge and ability to conduct an inspection in compliance with
55 the regulations established by the superintendent of the Missouri

state highway patrol may be issued a permit to conduct inspections at any official inspection station. No person without a valid permit shall conduct any part of an inspection, except a person without a valid permit may assist in the inspection of a vehicle by operating the vehicle's lighting equipment and signaling devices. The superintendent of the Missouri state highway patrol may require a mechanic to be reexamined at any time to determine the mechanic's knowledge and ability to conduct an inspection. If the mechanic fails the reexamination or refuses to be reexamined, the permit issued to the mechanic shall be suspended until the mechanic passes the examination but under no circumstances can the mechanic again be tested until a period of thirty days has elapsed. No fee shall be charged for the permit and the permit shall remain valid for a period of three years from the date of issue or until suspended or revoked by the superintendent of the Missouri state highway patrol.

(5) The superintendent of the Missouri state highway patrol may issue a private official inspection station permit to any association, person, partnership, corporation and/or subsidiary corporation, and governmental entity having registered or titled in his, her or its name in this state one or more vehicles of the type required to be inspected by section 307.350, or who maintains such vehicles under a written maintenance agreement of at least one year's duration and who maintains approved inspection facilities and has qualified personnel; but separate permits must be obtained for separate facilities of the same association, person, partnership, corporation and/or subsidiary corporation, or governmental entity. Such private stations shall inspect only vehicles registered or to be registered, titled or to be titled or maintained in the name of the person or organization described on the application for permit. No fee shall be charged for a permit issued to a governmental entity.

4. (1) The superintendent of the Missouri state highway patrol shall supervise and cause inspections to be made of the official inspection stations and inspecting personnel and if the superintendent finds that the provisions of sections 307.350 to

307.390 or the regulations issued pursuant to sections 307.350 to 307.390 are not being complied with, or that the business of an official inspection station, in connection with corrections, adjustments, repairs or inspection of vehicles is being improperly conducted, the superintendent shall suspend or revoke the permit of the station for a period of not less than thirty days or more than one year and require the immediate surrender and return of the permit, together with all official forms and certificates of inspection and approval. If the superintendent finds that an inspector has violated any of the provisions of sections 307.350 to 307.390 or the regulations issued pursuant to sections 307.350 to 307.390, the superintendent shall suspend or revoke the inspector's permit for a period of not less than thirty days nor more than one year. If a station operator or if an inspector violates any of the provisions of sections 307.350 to 307.390, he or she is subject to prosecution as provided in section 307.390.

(2) The suspension or revocation of a station permit or of an inspector's permit shall be in writing to the operator, inspector, or the person in charge of the station. Before suspending or revoking either of the permits, the superintendent shall serve notice in writing by certified mail or by personal service to the permittee at the permittee's address of record giving the permittee the opportunity to appear in the office of the superintendent on a stated date, not less than ten nor more than thirty days after the mailing or service of the notice, for a hearing to show cause why the permittee's permit should not be suspended or revoked. An inspection station owner or an inspector may appear in person or by counsel in the office of the superintendent to show cause why the proposed suspension or revocation is in error, or to present any other facts or testimony that would bear on the final decision of the superintendent. If the permittee or the permittee's agent does not appear on the stated day after receipt of notice, it shall be presumed that the permittee admits the allegations of fact contained in the hearing notification letter. The decision of the superintendent may in such case be based upon the written reports submitted by the superintendent's officers. The order of the

128 superintendent, specifying his findings of fact and conclusions of
129 law, shall be considered final immediately after receipt of notice
130 thereof by the permittee.

131 (3) Any person whose permit is suspended or revoked or
132 whose application for a permit is denied may within ten days
133 appeal the action as provided in chapter 536, RSMo.]

[307.365. 1. No permit for an official inspection station
2 shall be assigned or transferred or used at any location other than
3 therein designated and every permit shall be posted in a
4 conspicuous place at the location designated. The superintendent
5 of the Missouri state highway patrol shall design and furnish each
6 official inspection station, at no cost, one official sign made of metal
7 or other durable material to be displayed in a conspicuous location
8 to designate the station as an official inspection
9 station. Additional signs may be obtained by an official inspection
10 station for a fee equal to the cost to the state. Each inspection
11 station shall also be supplied with one or more posters which must
12 be displayed in a conspicuous location at the place of inspection
13 and which informs the public that required repairs or corrections
14 need not be made at the inspection station.

15 2. No person operating an official inspection station
16 pursuant to the provisions of sections 307.350 to 307.390 may issue
17 a certificate of inspection and approval for any vehicle except upon
18 an official form furnished by the superintendent of the Missouri
19 state highway patrol for that purpose and only after inspecting the
20 vehicle and determining that its brakes, lighting equipment,
21 signaling devices, steering mechanisms, horns, mirrors, windshield
22 wipers, tires, wheels, exhaust system, glazing, air pollution control
23 devices, fuel system and any other safety equipment as required by
24 the state are in proper condition and adjustment to be operated
25 upon the public highways of this state with safety to the driver or
26 operator, other occupants therein, as well as other persons and
27 property upon the highways, as provided by sections 307.350 to
28 307.390 and the regulations prescribed by the superintendent of
29 the Missouri state highway patrol. Brakes may be inspected for
30 safety by means of visual inspection or computerized brake

31 testing. No person operating an official inspection station shall
32 furnish, loan, give or sell a certificate of inspection and approval to
33 any other person except those entitled to receive it under
34 provisions of sections 307.350 to 307.390. No person shall have in
35 such person's possession any certificate of inspection and approval
36 and/or inspection sticker with knowledge that the certificate and/or
37 inspection sticker has been illegally purchased, stolen or
38 counterfeited.

39 3. The superintendent of the Missouri state highway patrol
40 may require officially designated stations to furnish reports upon
41 forms furnished by the superintendent for that purpose as the
42 superintendent considers reasonably necessary for the proper and
43 efficient administration of sections 307.350 to 307.390.

44 4. If, upon inspection, defects or unsafe conditions are
45 found, the owner may correct them or shall have them corrected at
46 any place the owner chooses within twenty days after the defect or
47 unsafe condition is found, and shall have the right to remove the
48 vehicle to such place for correction, but before the vehicle is
49 operated thereafter upon the public highways of this state, a
50 certificate of inspection and approval must be obtained. The
51 inspecting personnel of the official inspection station must inform
52 the owner that the corrections need not be made at the inspection
53 station.

54 5. A fee, not to exceed twelve dollars, as determined by each
55 official inspection station, may be charged by an official inspection
56 station for each official inspection including the issuance of the
57 certificate of inspection and approval, sticker, seal or other device
58 and a total fee, not to exceed ten dollars, as determined by each
59 official inspection station, may be charged for an official inspection
60 of a trailer or motorcycle, which shall include the issuance of the
61 certificate of inspection and approval, sticker, seal or other
62 device. Such fee shall be conspicuously posted on the premises of
63 each such official inspection station. No owner shall be charged an
64 additional inspection fee upon having corrected defects or unsafe
65 conditions found in an inspection completed within the previous
66 twenty consecutive days, excluding Saturdays, Sundays and

67 holidays, if such follow-up inspection is made by the station making
68 the initial inspection. Every inspection for which a fee is charged
69 shall be a complete inspection, and upon completion of the
70 inspection, if any defects are found the owner of the vehicle shall
71 be furnished a list of the defects and a receipt for the fee paid for
72 the inspection. If the owner of a vehicle decides to have any
73 necessary repairs or corrections made at the official inspection
74 station, the owner shall be furnished a written estimate of the cost
75 of such repairs before such repairs or corrections are made by the
76 official inspection station. The written estimate shall have plainly
77 written upon it that the owner understands that the corrections
78 need not be made by the official inspection station and shall have
79 a signature line for the owner. The owner must sign below the
80 statement on the signature line before any repairs are made.

81 6. Certificates of inspection and approval, sticker, seal or
82 other device shall be purchased by the official inspection stations
83 from the superintendent of the Missouri state highway patrol. The
84 superintendent of the Missouri state highway patrol shall collect
85 a fee of one dollar and fifty cents for each certificate of inspection,
86 sticker, seal or other device issued to the official inspection
87 stations, except that no charge shall be made for certificates of
88 inspection, sticker, seal or other device issued to official inspection
89 stations operated by governmental entities. All fees collected shall
90 be deposited in the state treasury with one dollar of each fee
91 collected credited to the state highway fund and, for the purpose of
92 administering and enforcing the state motor vehicle laws and
93 traffic regulations, fifty cents credited to the "Highway Patrol
94 Inspection Fund" which is hereby created. The moneys collected
95 and deposited in the highway patrol inspection fund shall be
96 expended subject to appropriations by the general assembly for the
97 administration and enforcement of sections 307.350 to 307.390 by
98 the Missouri state highway patrol. The unexpended balance in the
99 fund at the end of each biennium exceeding the amount of the
100 appropriations from the fund for the first two fiscal years shall be
101 transferred to the state road fund, and the provisions of section
102 33.080, RSMo, relating to the transfer of funds to the general

103 revenue fund at the end of the biennium, shall not apply to the
104 fund.

105 7. The owner or operator of any inspection station who
106 discontinues operation during the period that a station permit is
107 valid or whose station permit is suspended or revoked shall return
108 all official signs and posters and any current unused inspection
109 stickers, seals or other devices to the superintendent of the
110 Missouri state highway patrol and shall receive a full refund on
111 request except for official signs and posters, provided the request
112 is made during the calendar year or within sixty days thereafter in
113 the manner prescribed by the superintendent of the Missouri state
114 highway patrol. Stations which have a valid permit shall exchange
115 unused previous year issue inspection stickers and/or decals for an
116 identical number of current year issue, provided the unused
117 stickers and/or decals are submitted for exchange not later than
118 April thirtieth of the current calendar year, in the manner
119 prescribed by the superintendent of the Missouri state highway
120 patrol.]

2 [307.370. 1. No person shall represent in any manner any
3 place as an official inspection station unless the station is operated
4 under a valid permit issued by the superintendent of the Missouri
5 state highway patrol.

6 2. No person unless then holding a valid permit shall issue
7 a certificate of inspection and approval, sticker, seal or other
8 device.

9 3. No person shall make, issue or knowingly use any
10 imitation or counterfeit of an official certificate of inspection,
11 sticker, seal or other device.

12 4. No person shall display or cause or permit to be
13 displayed upon any vehicle any certificate of inspection and
14 approval, sticker, seal or other device knowing the same to be
15 fictitious or issued for another vehicle or issued without an
inspection having been made.]

2 [307.380. 1. Every vehicle of the type required to be
3 inspected upon having been involved in an accident and when so
directed by a police officer must be inspected and an official

4 certificate of inspection and approval, sticker, seal or other device
5 be obtained for such vehicle before it is again operated on the
6 highways of this state. At the seller's expense every vehicle of the
7 type required to be inspected by section 307.350, whether new or
8 used, shall immediately prior to sale be fully inspected regardless
9 of any current certificate of inspection and approval, and an
10 appropriate new certificate of inspection and approval, sticker, seal
11 or other device shall be obtained.

12 2. Nothing contained in the provisions of this section shall
13 be construed to prohibit a dealer or any other person from selling
14 a vehicle without a certificate of inspection and approval if the
15 vehicle is sold for junk, salvage, or for rebuilding, or for vehicles
16 sold at public auction or from dealer to dealer. The purchaser of
17 any vehicle which is purchased for junk, salvage, or for rebuilding,
18 shall give to the seller an affidavit, on a form prescribed by the
19 superintendent of the Missouri state highway patrol, stating that
20 the vehicle is being purchased for one of the reasons stated
21 herein. No vehicle of the type required to be inspected by section
22 307.350 which is purchased as junk, salvage, or for rebuilding shall
23 again be registered in this state until the owner has submitted the
24 vehicle for inspection and obtained an official certificate of
25 inspection and approval, sticker, seal or other device for such
26 vehicle.

27 3. Notwithstanding the provisions of section 307.390,
28 violation of this section shall be deemed an infraction.]

[307.385. The superintendent of the Missouri state highway
2 patrol may notify the director of revenue and the director of
3 revenue shall suspend the registration of any vehicle which the
4 superintendent of the Missouri state highway patrol determines,
5 after a written notice, is not equipped as required by law or for
6 which a certificate required by sections 307.350 to 307.390 has not
7 been obtained.]

Section B. The repeal of sections 307.350, 307.353, 307.355, 307.360,
2 307.365, 307.370, 307.375, 307.380, and 307.385, and the repeal and reenactment
3 of sections 307.375 and 307.390 shall become effective January 1, 2007.

✓